

REMARKS

In the non-final Office Action, the Examiner rejects claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by DEEDS (U.S. Patent Application Publication No. 2004/0203610). Applicants respectfully traverse this rejection.

By way of the present amendment, Applicants amend claims 1 and 17 to improve form. Applicants cancel claim 5 without prejudice or disclaimer. Applicants further add new claim 21. No new matter has been added by way of the present amendment. Claims 1-4 and 6-21 are pending.

Rejection under 35 U.S.C. § 102(e) based on DEEDS

Pending claims 1-4 and 6-20 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by DEEDS. Applicants respectfully traverse this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. *See M.P.E.P. § 706.02.* DEEDS does not disclose or suggest one or more of the features recited in claims 1-4 and 6-20.

Independent claim 1 is directed to a method of preparing a message in an electronic communication device, the method comprising providing, via a display of the electronic communication device, a set of message types that can be selected by a user in an editor common for all message types of a plurality of message types; detecting, via a control unit of the electronic communication device, a user selection of a particular message type of the plurality of message types, where the particular message type that is not a Short Message Service (SMS) message type; receiving the message in the editor; selecting, via the control unit, a transmission format for the message in dependence of the user selection, where the message is received in advance of the changing the transmission format; and outputting, from the electronic communication device, the

message using the selected transmission format. DEEDS does not disclose or suggest one or more of the features recited in claim 1.

For instance, DEEDS does not disclose or suggest **selecting, via a control unit (of an electronic communication device), a transmission format for the message in dependence of the user selection (of a particular message type, which is a message type other than a Short Message Service (SMS) message type), where the message is received in advance of the changing the transmission format**, as recited in claim 1, as amended. The Examiner relies on paragraph 0026 of DEEDS for allegedly disclosing "[t]he message is formatted to the desired format" (Office action, p. 3). Applicants respectfully submit that neither this section nor any other section of DEEDS discloses or suggests the above feature of claim 1, as amended.

Initially, DEEDS explicitly discloses that, while a user may "specify an eventual message type for [a] text message," a mobile station 10 sends the message as an SMS message, and the MC 35 converts the SMS message to the eventual message type (*see* DEEDS, paragraphs 0056-0057). Thus, DEEDS does not disclose or suggest that a mobile station 10 ever selects a transmission format at all – instead, DEEDS discloses that messages are always sent as SMS messages (*i.e.*, not in a selected transmission format). Accordingly, DEEDS does not disclose or suggest selecting, via the control unit (of an electronic communication device), a transmission format for the message in dependence of the user selection, where the message is received in advance of the changing the transmission format, as recited in claim 1.

At paragraph 0026, DEEDS discloses:

It is assumed for the purposes of this invention that the MC 35 has a capability for converting SMS messages originating from the mobile station 10 to electronic mail (E-mail) messages, page messages, or facsimile messages, for cases in which the SMS messages include a command specifying that the messages be converted to these respective message types. It is also assumed for the purposes of this invention that the network supports data services and can be coupled to a data network such as a local area network (LAN) and/or to a wide area network (WAN) such as the Internet. Furthermore, it is assumed that the MSC forwards data, including facsimile and electronic mail (E-mail) messages, to

destination devices such as, e.g., destination CPUs and facsimile devices (not shown), via the data network.

This paragraph of DEEDS discloses that a mobile center (MC) 35 "has a capability for converting SMS messages originating from the mobile station 10 to electronic mail (E-mail) messages, page messages, or facsimile messages." Applicants respectfully submit that, since this paragraph of DEEDS is directed to the capability of an MC 35, while claim 1 is directed to a method in an electronic communication device which receives a message in an editor, this paragraph of DEEDS is irrelevant in considering the above feature of claim 1. In other words, the MC 35, disclosed by DEEDS, cannot be reasonably construed as disclosing or suggesting the electronic communication device. Accordingly, this section of DEEDS does not disclose or suggest the above feature of claim 1, as amended.

Further still, DEEDS does not disclose selecting a transmission format for the message in dependence of the user selection (of a particular message type, which is a message type other than a SMS message type). As discussed above, DEEDS specifically discloses that a mobile station 10 sends a message as an SMS message.

Since DEEDS does not disclose or suggest selecting, via a control unit (of an electronic communication device), a transmission format for the message in dependence of the user selection (of a particular message type, which is a message type other than a SMS message type), where the message is received in advance of the changing the transmission format, DEEDS cannot disclose or suggest **outputting, from the electronic communication device, the message using the selected transmission format**, as also recited in claim 1, as amended.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by DEEDS. Claims 2-4 and 17 depend from claim 1 and are, therefore, not anticipated by DEEDS for at least the reasons given above with respect to claim 1. Accordingly, Applicants respectfully

request the Examiner's reconsideration and withdrawal of the rejection of claims 1-4 and 17 under 35 U.S.C. § 102(e) based on DEEDS.

Independent claims 6 and 18 recite features similar to (yet possibly different in scope from) those of claim 1. Therefore, claims 6 and 18 are not anticipated by DEEDS for at least reasons similar to those presented above with respect to claim 1. Claims 7-16 depend from claim 6, and claims 19 and 20 depend from claim 18. Therefore, Applicants respectfully submit that claims 6-16 and 18-20 are not anticipated by DEEDS for at least the reasons set forth above with respect to claims 6 and 18, respectively. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 6-16 and 18-20 under 35 U.S.C. § 102(e) based on DEEDS.

New claim

New claim 21 depends from claim 1 and is, therefore, patentable over the art of record for at least the reasons presented above with respect to claim 1.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, assertions of Official Notice, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

PATENT
U.S. Patent Application No. 10/576,474
Attorney's Docket No. PS02 0184WO1

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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